

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106**

DIVISION 1

**REX GABBERT, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
ALOK AHUJA, JUDGE**

DIVISION 2

**KAREN KING MITCHELL, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
GARY DEAN WITT, JUDGE**

DIVISION 3

**VICTOR C. HOWARD, PRESIDING JUDGE
LISA WHITE HARDWICK, JUDGE
JAMES E. WELSH, JUDGE**

**SPECIAL DIVISION (SITTING AT CAMDEN ON THE LAKE)
IN CONJUNCTION WITH THE MID-AMERICA LABOR/MANAGEMENT CONFERENCE**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
REX GABBERT, JUDGE**

**SPECIAL DIVISION (SITTING AT TAN-TAR-A RESORT, OSAGE BEACH, MO IN
CONJUNCTION WITH THE ANNUAL MEETING OF THE MISSOURI ASSOC. OF CRIMINAL
DEFENSE LAWYERS**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
ZEL FISCHER, SPECIAL JUDGE**

ORAL ARGUMENT DOCKET - JULY, 2016

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

***DIVISION 1: THIS DIVISION WILL SIT ON JULY 14TH AND 27TH, 2016 WITH DOCKET
CALLS AT 9:00 A.M. AND 10:30 A.M.***

***DIVISION 2: THIS DIVISION WILL SIT ON JULY 13, 2016 WITH DOCKET CALLS AT 9:00
AND 10:30 A.M.***

DIVISION 3: THIS DIVISION WILL SIT ON JULY 6TH AND 20TH, 2016, WITH DOCKET CALLS BOTH DAYS AT 9:00 AND 10:30 A.M.

SPECIAL DIVISION: THIS DIVISION WILL SIT ON JULY 11, 2016 AT CAMDEN ON THE LAKE, LAKE OZARK, MO IN CONJUNCTION WITH THE MID-AMERICA LABOR MANAGEMENT CONFERENCE. DOCKET CALL WILL BE AT 1:30 P.M. IT WILL ALSO SIT ON JULY 22, 2016 AT TAN-TAR-A RESORT, OSAGE BEACH, MO IN CONJUNCTION WITH THE ANNUAL MEETING OF THE MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. DOCKET CALL WILL BE AT 1:15 P.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:

In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as “expanded oral argument” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

DIVISION 1

REX GABBERT, PRESIDING JUDGE

THOMAS H. NEWTON, JUDGE

ALOK AHUJA, JUDGE

JULY, 2016

<p>IMPORTANT NOTE</p>

**THIS DIVISION WILL SIT ON JULY 14TH AND 27TH, 2016 WITH
DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.**

**PLEASE NOTE THE TIME AND DATE OF YOUR ARGUMENT. THIS
INFORMATION IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR
CASE IS LISTED.**



**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

14-Jul-2016 09:00 DIVISION 1 Western District Ct of Appeals

**1. WD78786 JACKSON COUNTY CIRCUIT COURT
WD78912**

**KANSAS CITY LIVE BLOCK 139 RETAIL, LLC, RESPONDENT,
vs
FRAN'S K.C. LTD, ET AL., APPELLANTS.**

1482111 ONTARIO, INC, Appellant
MARK G ARNOLD
JOHN KENNETH POWER
JOANNE SANDIFER
HAK JOON KIM, Appellant
MARK G ARNOLD
JOHN KENNETH POWER
JOANNE SANDIFER
FRAN'S K.C. LTD, Appellant
MARK G ARNOLD
JOHN KENNETH POWER
JOANNE SANDIFER
KANSAS CITY LIVE BLOCK 139 RETAIL, LLC, Respondent
JOSEPH JAY ROPER
PHILIP VOSE SUMNER

2. WD78963 JACKSON COUNTY CIRCUIT COURT

**IN THE INTEREST OF: T.J. AND W.J., PLAINTIFFS; JUVENILE OFFICE, RESPONDENT,
vs
V.L.C. (MOTHER), APPELLANT; J.J. (FATHER), DEFENDANT.**

Appellant
STEVEN GEORGE SAKOULAS
Defendant
CHRISTOPHER TRUMAN PATTERSON
Plaintiff
JILL MARIE KATZ
Respondent
EDWARD E. MOORE

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

14-Jul-2016 10:30 DIVISION 1 Western District Ct of Appeals

1. WD77904 JACKSON COUNTY CIRCUIT COURT

**WINSTON JOHNSON #1237678 (24.035), APPELLANT,
vs
STATE OF MISSOURI, RESPONDENT.**

WINSTON JOHNSON, Appellant
LAURA GREETHER MARTIN
STATE OF MISSOURI, Respondent
KAREN LOUISE KRAMER

2. WD78892 HENRY COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT,
vs
BRANDON JOE RUSSELL GREEN, APPELLANT.**

BRANDON JOE RUSSELL GREEN, Appellant
J ERIC MITCHELL
STATE OF MISSOURI, Respondent
RICHARD MARK SHIELDS
RESPONDENT DID NOT FILE A BRIEF AND THUS WAIVES ARGUMENT.

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

27-Jul-2016 09:00 DIVISION 1 Western District Ct of Appeals

1. WD78609 BUCHANAN COUNTY CIRCUIT COURT
WD78622

**MARK LARSEN, APPELLANT-RESPONDENT,
vs
UNION PACIFIC RAILROAD COMPANY, RESPONDENT-APPELLANT.**

MARK LARSEN, Appellant-Respondent
SCOTT SHERIDAN BETHUNE
TRAVIS WESLEY SHUMATE
CHRISTOPHER HARRISON LEACH
DAVID MICHAEL HARRIS
UNION PACIFIC RAILROAD COMPANY, Respondent-Appellant
CRAIG MICHAEL LEFF
CHRISTOPHER CHARLES CONFER
SPENCER LANE THROSSELL

2. WD78843 JACKSON COUNTY CIRCUIT COURT

**ENTERPRISE BANK & TRUST, RESPONDENT
vs
PINACLE PROPERTIES, LLC, ET AL; PENROD HOMES, INC; CUMBERLAND PROPERTIES, INC,
APPELLANTS**

CUMBERLAND PROPERTIES, INC, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY
PENROD HOMES, INC, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY
GARY B PENROD, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY
GLEN H JONES, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY
MARY A JONES, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY
PINACLE PROPERTIES, LLC, Appellant
THEODORE C BECKETT III

continued on next page....

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

27-Jul-2016 09:00

DIVISION 1

Western District Ct of Appeals

JEFFREY MICHAEL HENSLEY
ENTERPRISE BANK AND TRUST, Respondent
ROBERT A KUMIN
DAVID DEAN BACKER
RANDALL JOHN BARRON

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

27-Jul-2016 10:30

DIVISION 1

Western District Ct of Appeals

1. WD79206

PETTIS COUNTY CIRCUIT COURT

**IN RE THE ESTATE OF ETHEL M HALL; R. SCOTT GARDNER, APPELLANT,
vs
SHARON ARNOLD, PERSONAL REPRESENTATIVE, RESPONDENT; PAULETTE JEAN LEWIS,
RESPONDENT; WILLIAM H HALL, RESPONDENT; LEONA B PAYNE, RESPONDENT; OLAN A
BOATCHER, JR., RESPONDENT; SEDALIA AREA HABITAT FOR HUMANITY, RESPONDENT.**

R SCOTT GARDNER, Appellant
BRYAN DALE SCHEIDERER
PAULETTE JEAN LEWIS, Respondent
SEAN P. PILLIARD
OLAN A BOATCHER JR, Respondent
MYRON JAY MCNEAL
SHARON ARNOLD, Respondent
RUSSELL A. FRACASSA
SEDALIA AREA HABITAT FOR HUMANITY, Respondent Acting Pro Se
LEONA B PAYNE, Respondent Acting Pro Se
WILLIAM H HALL, Respondent Acting Pro Se
All Respondents did not file briefs and thus waive argument.

2. WD78568

BUCHANAN COUNTY CIRCUIT COURT

**DANIEL A IVEY #1179322 (29.15), APPELLANT,
vs
STATE OF MISSOURI, RESPONDENT.**

DANIEL ALLEN IVEY, Appellant
MARGARET MUELLER JOHNSTON
STATE OF MISSOURI, Respondent
DANIEL NEAL MCPHERSON
